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FEDERAL DISTRICT COURT
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FILED

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6 Attorneys for Plaintiff,
7 BIZZY ENTERTAINMENT, INC.

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 BIZZY ENTERTAINMENT, INC., a
California corporation,

12 Plaintiff,

13 v.

14 KRISTOPHER BUCKNER, an
individual; INVESTIGATIVE
CONSULTANTS, a business entity
of unknown form; INSTA
ENTERTAINMENT, INC., a
California corporation; MEDIA
KING, INC., a California corporation;
MICHAEL YANG, an individual;
JULIE YE aka LI FANG YE, an
individual; and DOES 1 through 10,
inclusive,

15 Defendants.

CV 09-9544 SVW (Ex)
Case No. CV 09-9544 SVW

16 **COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF:**

1. Violation of Civil Rights Act (42 USC § 1983 et seq.)
2. Abuse of Process
3. Conversion
4. Unfair Competition (Cal. Bus. & Prof. Code § 17200 et seq.)
5. Trade Libel
6. Civil Conspiracy
7. Unjust Enrichment
8. Violation of Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. §1961 et seq.)
9. Conspiracy to Violate RICO (18 U.S.C. § 1962(d))

22
23 **JURISDICTION AND VENUE**

24
25 1. Plaintiff BIZZY ENTERTAINMENT, INC. (hereinafter "Bizzy" or
26 "Plaintiff") brings this action against the defendants, and each of them, for general,
27 equitable, compensatory, consequential, punitive, and statutory damages,
28 prejudgment interest, costs and attorneys fees resulting from the unlawful conduct of

1 said defendants, and each of them, on both federal and state grounds as set forth
2 below.

3

4 2. Plaintiff's federal claims arise from defendants' unlawful conduct in
5 violation of the Civil Rights Act, codified at 42 U.S.C. §1983 et seq., and the
6 Racketeer Influenced and Corrupt Organizations Act ("RICO"), codified at 18 U.S.C.
7 §1961 et seq.

8

9 3. Plaintiff's state law and common law claims arise from the same transaction
10 and occurrence of defendants' unlawful conduct, and include claims for abuse of
11 process, conversion, fraud, negligent misrepresentation, unfair competition, trade
12 libel, and civil conspiracy.

13

14 4. Jurisdiction is conferred upon this Court by 28 U.S.C. §1331 and 28 U.S.C.
15 §1367(a), and arises under 42 U.S.C. §1983 and 18 U.S.C. §1961.

16

17 5. Venue in this Court is proper under 42 U.S.C. §1983 because the Court has
18 personal jurisdiction over all defendants and the events giving rise to this action
19 occurred within this judicial district.

20

21

PARTIES

22

23 6. Plaintiff Bizzy is a California corporation, duly authorized to do, and doing,
24 business in the County of Los Angeles, State of California. At all times relevant
25 herein, Bizzy has been engaged in the business of importing, distributing, selling and
26 renting DVDs containing Asian-language programming to the Chinese-speaking
27 communities in Southern California. Bizzy owns and operates two video stores
28 under the name "Video World" in Rowland Heights and Hacienda Heights.

1 7. Plaintiff is informed and believes, and upon such information and belief
2 alleges, that defendant Kristopher Buckner is an individual residing in the County of
3 Los Angeles, State of California, and is a principal of the business known as
4 Investigative Consultants.

5
6 8. Plaintiff is informed and believes, and upon such information and belief
7 alleges, that defendant Investigative Consultants (“IC”) is a business entity of
8 unknown form, with its principle place of business at 14979 Prairie Avenue in
9 Lawndale, California. According to its website, www.investigativeconsultants.com,
10 IC is a private investigative company operating under the direction of Kris Buckner
11 and specializing in “intellectual property investigations and enforcement.”

12
13 9. Plaintiff is informed and believes, and upon such information and belief
14 alleges, that at all times relevant herein there existed such a unity of interest and
15 ownership between Buckner and IC that any individuality and separateness between
16 them had ceased and that IC was the alter ego of Buckner in that: (a) there existed a
17 unity of interest and ownership between these entities such that any individuality of
18 these defendants never existed or ceased to exist; (b) the corporation has been and is
19 a mere shell and a sham, without capital or assets, or was so inadequately capitalized
20 that compared with the business to be done by the corporation and the risks attendant
21 thereto, its capitalization had been illusory and the corporation was intended by its
22 principals primarily as a device to avoid individual liability; (c) the principals of the
23 corporation have used the assets of the corporation for their own personal use,
24 caused assets of the corporation to be transferred to themselves, their family
25 members, their business entities and/or third parties controlled by them, without
26 consideration or for inadequate consideration, and have withdrawn funds from the
27 corporation’s bank accounts for their personal use; (d) the corporation has been and
28 continues to be a shell and mere instrumentality or conduit through which its

1 principals have carried on their individual business in the corporation's name,
2 exercising complete control and dominance of such business to such an extent that
3 any individuality or separateness between the principals and the corporation does not
4 exist; and (e) judicial adherence or acknowledgment of the fiction of the separate
5 existence of the corporation as an entity distinct from its principals would permit
6 abuse of the corporate privilege, would sanction and perpetrate a fraud, and promote
7 injustice.

8

9 10. Plaintiff is informed and believes, and upon such information and belief
10 alleges, that defendant Julie Ye, aka Li Fang Ye, is an individual residing in the
11 County of Los Angeles, State of California, and is an owner, founder, director or
12 principal of the businesses known as Insta Entertainment, Inc. and Media King, Inc.
13 Ye is also the agent for service of process for both Insta Entertainment, Inc. and
14 Media King, Inc.

15

16 11. Plaintiff is informed and believes, and upon such information and belief
17 alleges, that defendant Michael Yang is an individual residing in the County of Los
18 Angeles, State of California, and is an owner, founder, director, or principal of the
19 businesses known as Insta Entertainment, Inc. and Media King, Inc. Plaintiff is
20 further informed and believes, and upon such further information and belief alleges,
21 that Yang is married to Ye.

22

23 12. Plaintiff is informed and believes, and upon such information and belief
24 alleges, that defendant Media King, Inc. ("Media King") is a California corporation
25 with its principal place of business at 140 W. Valley Boulevard, Suite 121 in San
26 Gabriel, California. Plaintiff is further informed and believes, and upon such further
27 information and belief alleges, that at all times relevant herein, Media King, like
28

1 Plaintiff, was engaged in the business of, among other things, importing, distributing
2 and selling DVDs to the Chinese-speaking communities in Southern California.
3

4 13. Plaintiff is informed and believes, and upon such information and belief
5 alleges, that defendant Insta Entertainment, Inc. ("Insta") is a California corporation
6 with its principal place of business at 140 W. Valley Boulevard, Suite 201A in San
7 Gabriel, California. Plaintiff is further informed and believes, and upon such further
8 information belief alleges, that Insta was established for the sole purpose of
9 obtaining the exclusive rights to distribute certain Korean-produced programming in
10 North America in order to help Insta's affiliated business, Media King, gain an unfair
11 business advantage over its competitors by forcing Media King's competitors to
12 enter into long-term, exorbitant "license agreements" through the misuse of Insta's
13 copyrights or by destroying the businesses of Media King's competitors through the
14 purported enforcement of such copyrights.

15 16. Plaintiff is informed and believes, and upon such information and belief
17 alleges, that at all times relevant herein there existed such a unity of interest and
18 ownership between Ye and Yang, on the one hand, and Insta and Media King, on the
19 other hand, that any individuality and separateness between them had ceased and that
20 Insta and Media King were the alter egos of Ye and Yang in that: (a) there existed a
21 unity of interest and ownership between these entities such that any individuality of
22 these defendants never existed or ceased to exist; (b) the corporations have been and
23 are mere shells and a sham, without capital or assets, or were so inadequately
24 capitalized that compared with the business to be done by the corporations and the
25 risks attendant thereto, their capitalization had been illusory and the corporations
26 were intended by their principals primarily as devices to avoid individual liability;
27 (c) principals of the corporations have used the assets of the corporations for their
28

1 own personal use, caused assets of the corporations to be transferred to themselves,
2 their family members, their business entities and/or third parties controlled by them,
3 without consideration or for inadequate consideration, and have withdrawn funds
4 from the corporations' bank accounts for their personal use; (d) the corporations have
5 been and continue to be shells and mere instrumentality or conduit through which
6 their principals have carried on their individual business in the corporations' name,
7 exercising complete control and dominance of such businesses to such an extent that
8 any individuality or separateness between the principals and the corporations does
9 not exist; and (e) judicial adherence or acknowledgment of the fiction of the separate
10 existence of the corporations as entities distinct from their principals would permit
11 abuse of the corporate privilege, would sanction and perpetrate a fraud, and promote
12 injustice.

13

14 15. The true names and capacities of defendants Does 1 through 10, inclusive,
15 are presently unknown to Plaintiff, who therefore sues said defendants by such
16 fictitious names. Plaintiff will amend this complaint to set forth the true names and
17 capacities of said defendants when they are ascertained.

18

19 16. Plaintiff is informed and believes, and upon such information and belief
20 alleges, that at all times relevant herein, each of the fictitiously-named defendants
21 was an agent, employee or co-conspirator of one or more of the named defendants,
22 and was acting within the course and scope of said agency or employment. Plaintiff
23 is further informed and believes, and upon such information and belief alleges, that
24 each of the fictitiously-named defendants aided and assisted the named defendants in
25 committing the wrongful acts alleged herein, and that Plaintiff's damages, as alleged
26 herein, were proximately caused by such defendants.

27

28

1 17. Plaintiff is informed and believes, and upon such information and belief
2 alleges, that defendants, and each of them, conspired and agreed among themselves
3 to do the acts complained of herein and were, in doing such acts, acting pursuant to
4 and in furtherance of said conspiracy, and each defendant sued herein is jointly and
5 severally responsible and liable to Plaintiff for the damages alleged herein.

7 18. Defendants, and each of them, and/or their agents/employees knew or
8 should have known that each of the remaining co-defendants, individually and
9 together in varying combinations, was engaging in the conduct alleged herein.

FACTUAL ALLEGATIONS

COMMON TO ALL CAUSES OF ACTION

14 19. Plaintiff Bizzy was established in 2007 to meet the demands for Asian-
15 language programming in the Chinese-speaking communities of Southern California.
16 To that end, Bizzy either imports DVDs containing Asian-language programming
17 directly from vendors in China, or purchases such DVDs from vendors with the
18 rights to distribute such programming in North America, and distributes the DVDs
19 by selling or renting them through its video store known as Video World. Bizzy has
20 two locations – one in Rowland Heights and another in Hacienda Heights.

22 20. In the course of its business, Bizzy has tried – to the best of its ability – to
23 obtain products from only legitimate sources and vendors with the authority to
24 distribute the DVDs they supply. For instance, with respect to programs originating
25 from mainland China, Bizzy had obtained the authority to distribute programs
26 produced by members of the China TV Broadcast Association/TV Production
27 Committee (the “Association”) from the Association’s sole and exclusive North
28 American representative, Everwell Media USA, Inc. (“Everwell”). The DVDs

1 imported from China are inspected by the Intellectual Property Division of the
2 Department of Economics, and given a certificate regarding their copyright
3 authenticity.

4

5 21. Bizzy also has ongoing contractual relationships with other vendors, such
6 as U2 Home Entertainment, Inc. (based in San Francisco, California and hereinafter
7 referred to as "U2"), The One Trading Corp. (based in Rosemead, California and
8 hereinafter referred to as "The One"), and U.S. Galaxy Entertainment, Inc. (based in
9 City of Industry, California and hereinafter referred to as "U.S. Galaxy"), who are the
10 exclusive licensees authorized to distribute the Asian-language programming they
11 provide to Bizzy.

12

13 22. Some vendors, such as U2 and The One, require Bizzy to purchase DVDs
14 directly from them. Others, like U.S. Galaxy, will sometimes permit Bizzy to import
15 DVDs containing their licensed material directly from China, so long as Bizzy pays a
16 license fee and obtains a "sticker" verifying the payment of such fees to be affixed
17 to the imported DVDs.

18

19 23. On or about August 10, 2009, a woman identifying herself as Julie called
20 Bizzy's Rowland Heights store and indicated that she represented Insta, the
21 purported licensee with authority to distribute certain Korean-language programming
22 in North America. Bizzy is informed and believes, and upon such information and
23 belief alleges, that the woman identifying herself as Julie was defendant Ye.

24

25 24. Ye did not provide any documents to prove Insta's ownership of exclusive
26 licenses from Korean copyright holders; nevertheless, she informed Bizzy's store
27 manager, Lynn Chung, that if Bizzy did not agree to enter into a contract with Insta
28

1 to purchase DVDs from Insta, then Bizzy would be placed on a “list” and find itself
2 in serious “trouble.”

3
4 25. Chung informed Ye that Bizzy’s owner was out of town until late August,
5 and asked whether Ye could call back to discuss the contract then. Ye replied that
6 she could not wait, and that Bizzy would have to execute the contract by that Friday,
7 August 14, 2009, to avoid any further trouble. Chung then asked Ye about the
8 proposed terms of the contract, and inquired as to the price of the DVDs being sold
9 by Insta, as well as, more importantly, the titles of DVDs being offered. Ye replied
10 that she was in the process of gathering said information, but that in order to avoid
11 trouble, Bizzy must first commit to signing the contract.

12
13 26. In view of Ye’s inability or unwillingness to provide details of the
14 proposed contract to Bizzy, Chung informed Ye that she should call Bizzy back
15 when she had all the pertinent information before a deal could be reached. Ye,
16 however, continued to pressure Chung to sign the contract on behalf of Bizzy and
17 advised Chung that if she did not do so, Ye would not be able to “guarantee” what
18 would happen to the store. Chung did not appreciate the threat made by Ye, and the
19 telephone call on August 10, 2009 ended without an agreement between Insta and
20 Bizzy.

21
22 27. Bizzy is informed and believes, and upon such information and belief
23 alleges, that at or around the time of Ye’s August 10, 2009 conversation with Chung,
24 Insta had approached several other video stores with offers to sell DVDs under
25 similar threats. Bizzy is further informed and believes, and upon such further
26 information and belief alleges, that at least one such video store succeeded in
27 obtaining a price list from Insta. Thus, contrary to Ye’s representations on August
28 10, Insta did in fact have the pertinent information Bizzy asked for, it just did not

1 want to provide it. Instead, Bizzy was asked to blindly commit to a long-term
2 purchase agreement without knowing what it was agreeing to purchase.

3
4 28. Bizzy did not hear from Insta again after the August 10, 2009. Instead, on
5 or about November 4, 2009, while Chung was working at the Rowland Heights store,
6 four individuals purporting to be Insta representatives appeared at the store along
7 with Buckner and a number of IC personnel, as well as four uniformed deputies from
8 the Los Angeles Sheriff's Department ("LASD"), for the stated purpose of seizing
9 "counterfeit DVDs." Indeed, Buckner was the first to appear; and he informed
10 Chung that he would give her an offer before law enforcement arrived. Then, a
11 woman who identified herself as Krystal informed Chung that they were there to
12 represent "big companies" and would be taking away the store's DVDs.

13
14 29. Before long, the uniformed deputies arrived and informed Chung that they
15 would be taking away all DVDs which their "witness" Alan Liu – a representative of
16 Insta – identified as being counterfeit. Chung inquired whether the deputies had a
17 warrant for their actions and was told that no warrant was necessary. Instead,
18 Detective Lance Wulterin, who appeared to be in charge, told Chung that they had
19 the right to take away everything "in plain view" which Liu and Krystal identified as
20 being "counterfeit."

21
22 30. Scared and not knowing what to do, Chung contacted Jin Chen, a
23 representative of U.S. Galaxy, a vendor that had guaranteed the authenticity of the
24 DVDs sold to Bizzy. Mr. Chen asked to speak to the deputies on Bizzy's behalf.
25 Bizzy is informed and believes, and upon such information and belief alleges, that
26 Mr. Chen asked one of the deputies whether they had the authority to be there and to
27 conduct such seizure, as to which the deputy responded that they had the right to take
28 away the DVDs identified by Insta as counterfeit.

1 31. Meanwhile, during all the commotion, IC and Insta personnel had begun
2 to box up DVDs from the store and to move them out of the store. According to
3 Buckner, a detailed inventory of everything that was taken would be provided to
4 Bizzy before they left the premises.

5
6 32. Notwithstanding the fact that IC and Insta personnel had already begun to
7 take Bizzy's inventory out of the store, and despite the deputies' repeated
8 affirmations that they had the authority to conduct the seizure without a warrant, the
9 LASD apparently wanted Chung to sign a document giving them permission to go
10 behind the counter. Chung asked whether she could call the owner of the store for
11 his permission, which appeared to anger Detective Wulterin. In response to Chung's
12 request, Detective Wulterin exclaimed that Chung was taking up too much of their
13 time, that they had had enough of her games, and that they would leave and return
14 with a warrant not just to seize Bizzy's property but to take Chung and Bizzy's
15 owner to jail.

16
17 33. Faced with the threat of incarceration, Chung obliged and signed the
18 waiver of warrant.

19
20 34. While IC and Insta personnel continued to box up Bizzy's inventory, a
21 person identifying himself as Michael Yang – whom Bizzy believes is one of the
22 principals of both Insta and Bizzy's competitor Media King – approached Chung and
23 told her that this would not have happened if she had simply agreed to sign a contract
24 with Insta back in August. He also told Chung that if she cooperated now, she would
25 not lose as much of her inventory.

26
27 35. After several hours, IC and Insta personnel had boxed up and taken out
28 nearly all of the DVDs from Bizzy's store, including DVDs containing original

1 Chinse programming for which Bizzy had obtained the authority to distribute from
2 Everwell, and DVDs which Bizzy had purchased from U2, The One, and U.S.
3 Galaxy, all legitimate vendors with authority to distribute their DVDs in North
4 America. Insta and IC made no attempt to segregate DVDs which they alleged
5 infringed on their copyrights from non-infringing items – they simply took them all.
6

7 36. Just before leaving, Buckner approached Chung with another document to
8 sign. The document, which was preprinted in English, Chinese and Vietnamese,
9 purported to be a “Receipt,” with a signature line next to the preprinted statement: “I
10 have knowingly sold counterfeit _____ merchandise and promise to immediately
11 stop all sales,” and “I have voluntarily surrendered the merchandise listed above.”
12 Despite Buckner’s earlier promises to provide a detailed inventory, the document
13 stated simply that 18,270 “pirated DVDs” were taken. Chung, still reeling from the
14 threat of incarceration should she not cooperate, had no choice but to sign the
15 document; although she noted that she was the store manager, and not the “Vendor”
16 printed on the form.

17 37. Bizzy is informed and believes, and upon such information and belief
18 alleges, that the seizure of its store was part of a well thought-out plan by Insta,
19 Media King, Yang and Ye to bring their competition to their knees, and that as many
20 as three other stores were hit by IC, Insta and LASD personnel on the same day as
21 Bizzy, including one store in the same shopping plaza as Bizzy. Bizzy is further
22 informed and believes, and upon such further information and belief alleges, that in
23 an effort to generate publicity, defendants had notified the local Chinese media prior
24 to the seizures, such that reporters were able to arrive on the scene during the
25 seizures. By the next day, November 5, 2009, articles began appearing online and in
26 Chinese newspapers concerning the “piracy” and illegal conduct of, among others,
27 “Video World.” In an article in the Chinese paper “World Journal,” Yang is further
28

1 quoted as having agreed to cooperate with law enforcement to stop the “rampant
2 piracy” by local vendors.

3
4 38. Two days after the seizure, on or about November 6, 2009, Chung
5 received a call from a person identifying himself as Bin Li, a lawyer for Insta. Li
6 advised Chung that if Bizzy wanted to make its troubles go away, it would have to
7 settle with Insta by paying a penalty in an amount to be determined, and enter into a
8 three-year contract with Insta whereby Bizzy would agree to purchase approximately
9 \$4,000 to \$5,000 in DVDs from Insta every month. According to Li, if Bizzy did not
10 agree to these terms, Insta would initiate a civil lawsuit for copyright infringement
11 and work with the LASD to file criminal charges.

12
13 39. Bizzy is informed and believes, and upon such information and belief
14 alleges, that in the days following the seizures on its store and others in the San
15 Gabriel Valley, Insta contacted numerous other video stores in the area to ask them
16 whether they saw the news concerning the seizures. Bizzy is further informed and
17 believes, and upon such further information and belief alleges, that armed with the
18 publicity from the seizures and in some cases, arrests, Insta began telling local video
19 store owners that the only way to protect themselves from a similar fate would be to
20 sign contracts with Insta and be placed on a “safe list.”

21
22 40. Shortly after the seizures, Bizzy – through counsel – attempted to
23 ascertain the whereabouts of its inventory and to seek its return. In late November
24 2009, Bizzy was informed by the LASD that: (1) there was no criminal case or
25 investigation pending against it; (2) the presence of LASD personnel during the
26 confrontation on November 4, 2009 was purely as bystanders to “observe” the
27 surrender of property, as the LASD was there to execute a warrant on another store,
28

1 not Bizzy's store; and (3) Bizzy ought to deal directly with IC and Insta to resolve
2 the issue of returning its inventory.

3
4 41. For the next several weeks, Bizzy – again through counsel – learned that
5 IC had possession and control of its inventory, and attempted to seek its return. At
6 first, Bizzy was informed by IC's counsel that it was acting at the direction of Insta,
7 and that Insta had agreed to return everything other than the Korean-language DVDs
8 as to which Insta asserted its rights of ownership. On or about December 17, 2009,
9 however, IC – through new counsel – indicated that it would return the inventory
10 upon Bizzy's agreement to release IC from liability stemming from the November 4,
11 2009 seizure. Bizzy declined to grant IC a complete release, and the next day, IC
12 informed Bizzy that the LASD had requested that the property be held for further
13 review.

14
15 42. On December 21, 2009, Bizzy – through counsel – attempted to confirm
16 the LASD's involvement in the dispute. Sergeant Williams, the commanding officer
17 on the case, expressed shock that IC would claim LASD was holding up the return of
18 Bizzy's inventory. The next day, however, Detective Vaughn – one of the officers
19 who worked closely with IC and Insta personnel during the seizures – stated that the
20 LASD had changed its mind and was reconsidering criminal charges.

21
22 43. The seizure on November 4, 2009 essentially cleaned out Bizzy's store.
23 As a result, Bizzy has lost virtually all of its revenue in that store, has lost revenue in
24 its other location, and has lost employees. Bizzy has been deprived and continues to
25 be deprived of a large portion of its inventory and means of livelihood.

26
27
28

FIRST CAUSE OF ACTION
(Violation of 42 U.S.C. §1983)
[Against All Defendants]

44. Bizzy realleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 43, inclusive, as though fully set forth herein.

45. Defendants, acting jointly with the LASD and under color of state law, deprived Plaintiff of rights, privileges and immunities secured by the Constitution and the laws of the United States including the rights to equal protection and due process by, among other things:

(a) Falsely representing to Bizzy that they had the right and ability to take away any of Bizzy's inventory which defendants Insta and/or Media King's personnel claimed to be counterfeit, without a warrant or court order and without even having produced any documentation to establish Insta and/or Media King's rights to such inventory;

(b) Falsely implying or asserting, through the presence of LASD personnel, that Bizzy's employees and owners would be arrested if they did not capitulate to Defendants' demand to search Bizzy's store and to seize all inventory;

(c) Obtaining, under coercion and duress, the signature of Bizzy's manager on IC's pre-printed "Receipt," purportedly surrendering all of Bizzy's inventory to IC voluntarily; and

(d) Seizing and withholding Bizzy's property from release without due process or justification, and without having provided an itemized inventory list of what was taken.

46. Defendants' conduct, as described more fully above and in this Complaint, is a violation of Plaintiff's civil rights in violation of 42 U.S.C. §1983.

47. As a proximate result of Defendants' conduct as described more fully above, Plaintiff has been deprived of its property, and has suffered and continues to suffer loss of income and loss of reputation, all to Plaintiff's damages in an amount to be proven at trial but in excess of the jurisdictional threshold of this Court.

48. In doing the acts herein alleged, Defendants knew that their actions were unlawful, but nonetheless committed such acts maliciously, fraudulently, oppressively and despicably, and with the wrongful intention of injuring Plaintiff, with an improper and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights. Because the acts taken toward Plaintiff were carried out in a despicable, deliberate, cold, callous and intentional manner, and perpetrated to injure and damage Plaintiff, Plaintiff is entitled to recover punitive damages from the Defendants.

SECOND CAUSE OF ACTION

(Abuse of Process)

[Against All Defendants]

49. Bizzy realleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 43, inclusive, as though fully set forth herein.

50. Defendants' unlawful search and seizure of Bizzy's property, conducted with the aid of the LASD and under threat of criminal arrest and incarceration, was a willful misuse of the legal process for the improper purpose of converting Bizzy's property and either coercing Bizzy to enter into a long-term contract with Insta or wiping out Bizzy's business altogether to destroy Media King's competition.

51. As a direct and legal result of Defendants' wrongful conduct, Plaintiff has suffered and will continue to suffer damages from the loss of its property.

52. In doing the acts herein alleged, Defendants knew that their actions were unlawful, but nonetheless committed such acts maliciously, fraudulently, oppressively and despicably, and with the wrongful intention of injuring Plaintiff, with an improper and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights. Because the acts taken toward Plaintiff were carried out in a despicable, deliberate, cold, callous and intentional manner, and perpetrated to injure and damage Plaintiff, Plaintiff is entitled to recover punitive damages from the Defendants.

THIRD CAUSE OF ACTION

(Conversion)

[Against Defendants Buckner and IC and Does 1 through 10]

53. Bizzy realleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 43, inclusive, as though fully set forth herein.

54. At all times relevant herein, Bizzy was and still is the owner entitled to possession of the inventory, consisting of DVDs, taken from its Rowland Heights store.

1 55. On or about November 4, 2009, defendants Buckner and IC converted
2 Bizzy's property to their own use by, among other things, seizing such inventory
3 with the aid of the LASD and under threat of criminal arrest and incarceration,
4 without due process.

5
6 56. Despite Bizzy's repeated demands therefor, Buckner and IC have refused
7 to return the property seized from Bizzy's store on November 4, 2009.

8
9 57. As a proximate result of defendants' conversion, Bizzy has suffered
10 damages in an amount to be proven at trial, but in excess of the jurisdictional
11 threshold of this Court.

12
13 58. In doing the acts herein alleged, defendants knew that their actions were
14 unlawful, but nonetheless committed such acts maliciously, fraudulently,
15 oppressively and despicably, and with the wrongful intention of injuring Plaintiff,
16 with an improper and evil motive amounting to malice, and in conscious disregard of
17 Plaintiff's rights. Because the acts taken toward Plaintiff were carried out in a
18 despicable, deliberate, cold, callous and intentional manner, and perpetrated to injure
19 and damage Plaintiff, Plaintiff is entitled to recover punitive damages from the
20 individual defendants.

21
22 **FOURTH CAUSE OF ACTION**
23 (**Unfair Competition**)

24 **[Against Defendants Yang, Ye, Insta, Media King and Does 1 through 10]**

25
26 59. Bizzy realleges and incorporates by reference each and every allegation
27 contained in Paragraphs 1 through 43, inclusive, as though fully set forth herein.
28

1 60. The pattern of fraud and deception by defendants as set forth above
2 constitutes unlawful, unfair and fraudulent business practices within the meaning of
3 California Business and Professions Code section 17200 et seq. In particular, the
4 following conduct, among others, by defendants Yang, Ye, Insta and Media King
5 violates section 17200:

6
7 (a) Misusing Insta's purported exclusive rights to certain Korean-
8 produced DVDs to coerce competitors of Media King to enter into long-term, one-
9 sided contracts with Insta in order to be placed on the "safe list" and protected from
10 unlawful searches and seizures by the LASD, IC and Insta personnel;

11
12 (b) Seizing and withholding from release Bizzy's inventory under threat
13 of criminal arrest and incarceration, and without due process; and

14
15 (c) Using the publicity that was deliberately created by the unlawful
16 seizures executed against Bizzy, among others, to extort agreements to enter into
17 long-term binding contracts from other Media King competitors.

18
19 61. Defendants' unlawful and fraudulent conduct appears likely to continue
20 and, to the extent it does so, the conduct will continue to harm Bizzy and other
21 similarly situated competitors.

22
23 62. Bizzy is therefore entitled to an injunction against defendants prohibiting
24 them from further acts of fraud and extortion, and mandating the return of Bizzy's
25 property which was unlawfully seized from its store. Bizzy is further entitled to
26 restitution of all monies diverted from Bizzy or otherwise acquired by defendants by
27 means of their unlawful and unfair business practices.

28

FIFTH CAUSE OF ACTION

(Trade Libel)

[Against Defendant Yang and Does 1 through 10]

63. Bizzy realleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 43, inclusive, as though fully set forth herein.

64. Defendants' statements, referenced and/or published in the Chinese-language newspapers including the "World Journal," disparaged the quality of Bizzy's property. In particular, defendant Yang's statement that he was cooperating with law enforcement to protect the rights of copyright holders from "pirates," suggested that Bizzy was engaged in the trafficking of counterfeit goods.

65. Defendants' statements disparaging the quality of Bizzy's property, including the statement by Yang published in the "World Journal," were false. Bizzy has not knowingly engaged in the trafficking of counterfeit goods.

66. Bizzy is informed and believes, and upon such information and belief alleges, that defendants' statements, including defendant Yang's statement which was published in the "World Journal," have induced others not to deal with Bizzy. In particular, customers have expressed shock and surprise in learning from the newspaper articles that Bizzy's goods were counterfeit; and Bizzy's business has declined significantly in the months since the publication of the articles.

67. As a proximate result of defendants' trade libel, Bizzy has suffered damages in an amount to be proven at trial, but in excess of the jurisdictional threshold of this Court.

1 68. In doing the acts herein alleged, defendants knew that their actions were
2 unlawful, but nonetheless committed such acts maliciously, fraudulently,
3 oppressively and despicably, and with the wrongful intention of injuring Plaintiff,
4 with an improper and evil motive amounting to malice, and in conscious disregard of
5 Plaintiff's rights. Because the acts taken toward Plaintiff were carried out in a
6 despicable, deliberate, cold, callous and intentional manner, and perpetrated to injure
7 and damage Plaintiff, Plaintiff is entitled to recover punitive damages from the
8 defendants.

9

10

SIXTH CAUSE OF ACTION

11

(Civil Conspiracy)

12

[Against All Defendants]

13

14

69. Bizzy realleges and incorporates by reference each and every allegation
15 contained in Paragraphs 1 through 43, inclusive, as though fully set forth herein.

16

17

70. Defendants, and each of them, combined, confederated, agreed and
18 conspired to use wrongful and unlawful threats to obtain money and other benefits,
19 including the agreement to enter into a long-term, one-sided purchase agreement,
20 from Bizzy and others like Bizzy. In furtherance of said conspiracy, Defendants, and
21 each of them, committed one or more overt acts including, but not limited to, the
22 following:

23

24

(a) Calling Bizzy and other businesses similarly situated as Bizzy in an
25 attempt to coerce Bizzy and others into a long-term, one-sided purchase agreement
26 with Insta through the misuse of Insta's purported rights to certain Korean-produced
27 DVDs and under threat of criminal arrest and civil prosecution;

28

(b) Falsely representing to Bizzy that Defendants had the right and ability to search and seize Bizzy's inventory without a warrant and without due process;

(c) Falsely implying or asserting, through the presence of LASD personnel, that Bizzy's employees and owners would be arrested if they did not capitulate to Defendants' demand to search Bizzy's store and to seize all inventory;

(d) Obtaining, under coercion and duress, the signature of Bizzy's manager on IC's pre-printed "Receipt," purportedly surrendering all of Bizzy's inventory to IC voluntarily;

(e) Seizing and withholding Bizzy's property from release without due process or justification, and without having provided an itemized inventory list of what was taken; and

(f) Using the publicity that was deliberately created by the unlawful seizures executed against Bizzy, among others, to extort agreements to enter into long-term binding contracts from other Media King competitors.

71. As a proximate result of Defendants' conspiracy to extort, Bizzy has suffered damages in an amount to be proven at trial, but in excess of the jurisdictional threshold of this Court.

72. In doing the acts herein alleged, Defendants knew that their actions were unlawful, but nonetheless committed such acts maliciously, fraudulently, oppressively and despicably, and with the wrongful intention of injuring Plaintiff, with an improper and evil motive amounting to malice, and in conscious disregard of

1 Plaintiff's rights. Because the acts taken toward Plaintiff were carried out in a
2 despicable, deliberate, cold, callous and intentional manner, and perpetrated to injure
3 and damage Plaintiff, Plaintiff is entitled to recover punitive damages from the
4 Defendants.

5

6 **SEVENTH CAUSE OF ACTION**

7 **(Unjust Enrichment)**

8 **[Against Defendants Buckner, IC and Does 1 through 10]**

9

10 73. Bizzy realleges and incorporates by reference each and every allegation
11 contained in Paragraphs 1 through 43, inclusive, as though fully set forth herein.

12

13 74. Beginning on or about November 4, 2009, defendants came into
14 possession of certain property consisting of DVDs belonging to Bizzy by means of
15 their unlawful search and seizure of Bizzy's Rowland Heights store.

16

17 75. By virtue of defendants' wrongful seizure and conversion of such
18 property, defendants have been unjustly enriched in an amount to be determined at
19 trial, but in excess of the jurisdictional threshold of this Court; and hold such
20 property as a constructive trustee for Bizzy's benefit. Bizzy is entitled to the
21 immediate return of such property being held in trust.

22

23 76. In doing the acts herein alleged, defendants knew that their actions were
24 unlawful, but nonetheless committed such acts maliciously, fraudulently,
25 oppressively and despicably, and with the wrongful intention of injuring Plaintiff,
26 with an improper and evil motive amounting to malice, and in conscious disregard of
27 Plaintiff's rights. Because the acts taken toward Plaintiff were carried out in a
28 despicable, deliberate, cold, callous and intentional manner, and perpetrated to injure

1 and damage Plaintiff, Plaintiff is entitled to recover punitive damages from the
2 defendants.

3

4 **EIGHTH CAUSE OF ACTION**

5 **(Violation of the Racketeer Influenced and Corrupt Organizations Act**

6 **18 U.S.C. §1961 et seq.)**

7 **[Against All Defendants]**

8

9 77. Bizzy realleges and incorporates by reference each and every allegation
10 contained in Paragraphs 1 through 43, inclusive, as though fully set forth herein.

11

12 78. At all times relevant herein, Bizzy was and is a “person” within the
13 meaning of 18 U.S.C. §§ 1961(3) and 1964(c).

14

15 79. At all times relevant herein, defendants Buckner, IC, Yang, Ye, Insta,
16 Media King, and Does 1 through 10, were and are each a “person” within the
17 meaning of 18 U.S.C. §§ 1961(3), 1962(c) and 1962(d).

18

19 80. Bizzy is informed, and upon such information and belief alleges, that prior
20 to November 4, 2009, defendants Buckner, IC, Yang, Ye, Insta, Media King, and
21 Does 1 through 10, inclusive, combined, came together and affiliated with each other
22 forming what became an ongoing organization for the common purpose of extorting
23 money and other property, including agreements to enter into long-term, one-sided
24 purchase contracts from competitors of Media King in the business of distributing
25 Asian-language DVDs (hereinafter the “Contract Extortion Enterprise”). Bizzy is
26 further informed and believes, and upon such information and belief alleges, that the
27 Contract Extortion Enterprise is an “enterprise” that has been formed by an
28 association-in-fact, within the meaning of 18 U.S.C. §1961(4).

81. Bizzy is informed and believes, and upon such information and belief alleges, that beginning on a date prior to November 4, 2009, Defendants, and each of them, were associated with the Contract Extortion Enterprise and conducted or participated, directly or indirectly, in the conduct of the Contract Extortion Enterprise's affairs, through a pattern of racketeering activity within the meaning of 18 U.S.C. §1961(1)(A) that includes criminal extortion, chargeable under California Penal Code section 520.

82. As a result of Defendants' unlawful conduct as described more fully above, Bizzy has suffered damages in amount to be determined at trial, but in excess of the jurisdictional threshold of this Court.

NINTH CAUSE OF ACTION

(Conspiracy to Violate RICO – 18 U.S.C. §1962(d))

[Against All Defendants]

83. Bizzy realleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 43, and 78 through 82, inclusive, as though fully set forth herein.

84. Bizzy is informed and believes, and upon such information and belief alleges, that beginning on a date prior to November 4, 2009, Defendants, and each of them, conspired to violate 18 U.S.C. §1962(c) by agreeing to conduct or participate in the affairs of the Contract Extortion Enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. §1961(1)(A) that includes criminal extortion, chargeable under California Penal Code section 520.

85. As a result of Defendants' unlawful conduct as described more fully above, Bizzy has suffered damages in amount to be determined at trial, but in excess of the jurisdictional threshold of this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against defendants as follows:

1. For general and compensatory damages in an amount as yet to be determined, but in excess of the jurisdictional threshold of the Court;
2. For punitive damages against defendants on all causes of action where such element of damages is appropriate, in an amount sufficient to punish and to make an example of defendants;
3. For treble damages in accordance with 18 U.S.C. §1964(c) on Plaintiff's Eighth and Ninth causes of action for violation of RICO;
4. For reasonable attorneys' fees on all causes of action where such element of recovery is appropriate, including on Plaintiff's Eighth and Ninth causes of action for violation of RICO;
5. For an injunction prohibiting defendants from further acts of extortion as described more fully herein;
6. For an injunction mandating the immediate return of property seized from Plaintiff on or about November 4, 2009 without a warrant and without due process;

1 7. For restoration of any monies or property acquired by defendants by means
2 of their unfair and unlawful business practices;

3 8. For cost of suit;

4 9. For an award of pre-judgment interest at the legal rate; and

5 10. For such other relief as the Court deems proper.

6
7
8 DATED: December 30 , 2009

9
10 Respectfully submitted,

11 BENSINGER, RITT, TAI & THVEDT
12 A Limited Liability Partnership

13
14 
15 _____
16 TIFFANY W. TAI
17 JOEL A. THVEDT
18 Attorneys for Plaintiff,
19 BIZZY ENTERTAINMENT, INC.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a jury trial of all issues raised in this Complaint.

DATED: December 30, 2009

Respectfully submitted,

BENSINGER, RITT, TAI & THVEDT
A Limited Liability Partnership

TIFFANY W. TAI
JOEL A. THVEDT
Attorneys for Plaintiff,
BIZZY ENTERTAINMENT, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

CV09 - 9544 SVW (Ex)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BIZZY ENTERTAINMENT, INC., a California corporation,

CASE NUMBER

CV09-9544 SVW (Ex)

PLAINTIFF(S)

v.

KRISTOPHER BUCKNER, an individual,
et al.,

SUMMONS

SEE ATTACHMENT

DEFENDANT(S).

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Tiffany W. Tai, whose address is 65 North Raymond Ave., Suite 320, Pasadena, CA 91103. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 30 DEC 2009

By: Shen Bagin
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

1 TIFFANY W. TAI, S.B. # 193271
2 JOEL A. THVEDT, S.B. # 130577
3 **BENSINGER, RITT, TAI & THVEDT, LLP**
A Limited Liability Partnership
3 65 North Raymond Avenue, Suite 320
Pasadena, California 91103
4 Tel: (626) 685-2550
Fax: (626) 685-2562
5 Email: tai@brttlaw.com
thvedt@brttlaw.com

6 Attorneys for Plaintiff,
7 BIZZY ENTERTAINMENT, INC.

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 BIZZY ENTERTAINMENT, INC., a }
California corporation,
12 Plaintiff,

13 v.
14 KRISTOPHER BUCKNER, an }
individual; INVESTIGATIVE
15 CONSULTANTS, a business entity }
of unknown form; INSTA
16 ENTERTAINMENT, INC., a
California corporation; MEDIA
17 KING, INC., a California corporation;
MICHAEL YANG, an individual;
18 JULIE YE aka LI FANG YE, an
individual; and DOES 1 through 10,
19 inclusive,

20 Defendants.

21 Case No.

22 **COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF:**

1. Violation of Civil Rights Act (42 USC § 1983 et seq.)
2. Abuse of Process
3. Conversion
4. Unfair Competition (Cal. Bus. & Prof. Code § 17200 et seq.)
5. Trade Libel
6. Civil Conspiracy
7. Unjust Enrichment
8. Violation of Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. §1961 et seq.)
9. Conspiracy to Violate RICO (18 U.S.C. § 1962(d))

23 **JURISDICTION AND VENUE**

24
25 1. Plaintiff BIZZY ENTERTAINMENT, INC. (hereinafter "Bizzy" or
26 "Plaintiff") brings this action against the defendants, and each of them, for general,
27 equitable, compensatory, consequential, punitive, and statutory damages,
28 prejudgment interest, costs and attorneys fees resulting from the unlawful conduct of

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) BIZZY ENTERTAINMENT, INC., a California corporation		DEFENDANTS KRISTOPHER BUCKNER, an individual, et al.				
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Tiffany W. Tai, SBN 193271 Joel A. Thvedt, SBN 130577 BENSINGER, RITT, TAI & THVEDT, LLP 65 N. Raymond Ave., Suite 320 Pasadena, CA 91103 (626) 685-2550		Attorneys (If Known)				
I. BASIS OF JURISDICTION (Place an X in one box only.)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)				
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 <input type="checkbox"/> 4				
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5				
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6				
IV. ORIGIN (Place an X in one box only.)		PTF DEF PTF DEF				
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)		MONEY DEMANDED IN COMPLAINT: \$ none specified				
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Civil Rights, 42 U.S.C. §1983; RICO, 18 U.S.C. §1962; and related state causes of action. Defendants injured plaintiff and harmed its business under color of law.						
VII. NATURE OF SUIT (Place an X in one box only.)						
OTHER STATUTES		CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> BANKRUPTCY	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 530 General	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 790 Other Labor Litigation	
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 540 Mandamus/ Other	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> FORFEITURE PENALTY	<input type="checkbox"/> 820 Copyrights	
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 610 Agriculture			
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 620 Other Food & Drug			
<input type="checkbox"/> 850 Securities/Commodities/ Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881			
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 630 Liquor Laws			
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 640 R.R. & Truck			
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 650 Airline Regs			
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> IMMIGRATION	<input type="checkbox"/> 660 Occupational Safety/Health			
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 690 Other			
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee				
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions				
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability					
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property					
		<input checked="" type="checkbox"/> 440 Other Civil Rights	SOCIAL SECURITY			
		<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 861 HIA (1395f)			
		<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 862 Black Lung (923)			
		<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))			
		<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 864 SSID Title XVI			
		<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 865 RSI (405(g))			
		<input type="checkbox"/> 446 American with Disabilities - Other	FEDERAL TAX SUITS			
		<input type="checkbox"/> 460 Other Civil Rights	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)			
		<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609			

FOR OFFICE USE ONLY: Case Number:

CV-09-9544

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

Case 2:09-cv-09544-SVW-E Document 1 Filed 12/30/09 Page 33 of 33 Page ID #:33
 UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
 CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): Joel Thvedt Date December 30, 2009
 Joel A. Thvedt

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))